

## **SHADOW AUTHORITY FOR WESTMORLAND AND FURNESS COUNCIL**

Minutes of a Meeting of the Shadow Authority for Westmorland and Furness Council held on Tuesday, 17 May 2022 at 2.30 pm at Council Chamber, County Hall, Kendal, Cumbria

### **PRESENT:**

Cllr M Severn (Chair)

Cllr G Archibald	Cllr L Hall
Cllr T Assouad	Cllr K Hamilton
Cllr C Atkinson	Cllr M Hanley
Cllr R Audland	Cllr E Hennessy
Cllr L Baker	Cllr H Hodgson
Cllr J Batty	Cllr N Hughes
Cllr S Bavin	Cllr V Hughes
Cllr P Bell	Cllr A Husband
Cllr T Biggins	Cllr H Irving
Cllr J Boak	Cllr A Jama (Vice-Chair)
Cllr M Brereton	Cllr A Jarvis
Cllr D Brook	Cllr D Jones
Cllr J Brook	Cllr H Ladhams
Cllr A Burns	Cllr N McCall
Cllr T Callister	Cllr B McEwan
Cllr H Carrick	Cllr I Mitchell
Cllr F Cassidy	Cllr B Morgan
Cllr H Chaffey	Cllr J Murphy
Cllr W Clark	Cllr J Murray
Cllr A Coles	Cllr N Phillips
Cllr A Connell	Cllr D Rathbone
Cllr B Cooper	Cllr M Robinson
Cllr J Cornthwaite	Cllr M Rudhall
Cllr J Derbyshire	Cllr S Sanderson
Cllr P Dew	Cllr B Shirley
Cllr P Dixon	Cllr G Simpkins
Cllr J Drake	Cllr D Taylor
Cllr D Edwards	Cllr V Taylor
Cllr P Endors	Cllr A Thomson
Cllr S Evans	Cllr P Thornton
Cllr M Eyles	Cllr R Worthington
Cllr J Filmore	

### **Also in Attendance:**

Ms S Plum	Interim Head of Paid Service
Ms L Fisher	Interim Monitoring Officer
Ms H Smith	Interim Chief Finance Officer
Mrs J Currie	Democratic Services
Mr J Huck	Democratic Services
Ms D Storr	Head of Legal and Governance (Barrow)

**1 ROLL CALL FOR MEMBERS AND APOLOGIES FOR ABSENCE**

An apology for absence was received from Councillor S Pender.

**2 ELECTION OF CHAIR**

Councillor J Brook nominated Councillor M Severn as Chair and this was seconded by Councillor Bell. With no other nominations it was,

**RESOLVED**, that Councillor M Severn be elected at Chair of the Shadow Authority for Westmorland and Furness Council for the ensuing year.

Councillor Severn spoke to say how proud he was to be elected as the first Chair of the Shadow Authority for Westmorland and Furness Council, and he was looking forward to working with all the newly elected members. He thanked all members for participating in the democratic process and that we could be very proud of our democratic system.

**3 APPOINTMENT OF VICE CHAIR**

Councillor J Brook nominated Councillor A Jama for vice chair and this was seconded by Councillor Bell. With no other nominations it was,

**RESOLVED**, that Mr A Jama be appointed as Vice chair of the Shadow Authority for Westmorland and Furness Council for the ensuing year.

**4 DECLARATIONS OF INTEREST**

There were no declarations of interest made on this occasion.

The Interim Monitoring Officer informed members that a dispensation was being given to all Councillors so that they could take part in all meetings on the Members' Allowances, and this would be in place until 31 March 2023.

Members noted this dispensation. This would so be noted on the specific agenda item.

**5 EXCLUSION OF PRESS AND PUBLIC**

**RESOLVED**, that the press and public be not excluded during discussion of any items on the agenda today.

## 6 **CODE OF CONDUCT AND STANDARDS ARRANGEMENTS**

Members had before them a report from the Technical Lead Legal and Democratic Services Workstream and Monitoring Officer (South Lakeland District Council, which brought forward proposals for the code of conduct to be adopted by the Shadow Authority, as formulated by the Westmorland and Furness Joint Committee.

Councillor J Brook, as Chair of the Joint Committee, presented the report and reminded members that Councils had a legal obligation to adopt a code of conduct, which was expected of members of the Council and co-opted members of the authority under Sections 27 and 28 of the Localism Act 2011. He reminded members that they had all attended the training for this on 9 May 2022.

The Structural Changes Order provided that we must adopt a code of conduct at the first meeting of the Shadow Authority.

A declaration of interest form had been updated and all members had received a copy of this by email.

Councillor Brook moved the recommendations and these were seconded by Councillor Thornton.

One of the members pointed out that there appeared to be a number of copies within the report of the Code, and also some of the detail was missing.

The Legal and Democratic Workstream Lead and Interim Monitoring Officer said the details would be updated following today's meeting and would be published on the Westmorland and Furness website.

The recommendations were then put to a vote, which was unanimous.

It was therefore **RESOLVED**, that

- (1) the Shadow Authority for Westmorland and Furness adopts the Code of Conduct, Guidance and Arrangements for Dealing with Standards Matters and the Register of Interests Form, as set out in the report; and
- (2) the Monitoring Officers be authorised to initiate a recruitment process to enable the Shadow Authority Westmorland and Furness to appoint an Independent Person(s) at the earliest opportunity.

## **7 PROPOSED SHADOW AUTHORITY CONSTITUTION**

Shadow Authority members considered a report from the Technical Lead – Legal and Democratic Workstream and presented by the Chair of the Westmorland and Furness Joint Committee, which presented members with the proposed Constitution.

This had previously been considered by the Westmorland and Furness Joint Committee and a number of changes were suggested to this. Councillor J Brook, as Chair of the Joint Committee, was pleased to confirm that the changes requested had been captured in the report.

An addendum report had been circulated to all members with changes to capture the power for the monitoring officer to grant dispensations and the standards committee. The appointment of Chairs at the Council meeting, substitutes and the increase in number of members on the Overview and Scrutiny Committees. It was those updated recommendations that the Joint Committee Chair was moving.

Members noted that the Joint Committee proposed the creation of a Constitutional Review Group, which would be a forum for members appointed to the Group to raise amendments to this constitution and to commence work on the constitution for vesting day and beyond. There would be 8 members on this committee, not 7, as indicated in the report.

One of the members said although Furness made up one third of the area the ruling party does not have a member in Barrow. He asked the Chair of the Joint Committee whether the Executive would be open to including a member from the Furness area.

The Chair of the Joint Committee replied to say the Executive would not be open to this, but the Shadow Authority for Westmorland and Furness was an all embracing Council.

One of the members asked when the Executive would be considering Section 24 arrangements, as these would be crucial to many council services.

Councillor Brook said the Executive would be considering this as soon as possible, but he did not have a firm date yet. The Interim Monitoring Officer updated to say this would be considered by Cabinet on 10 June 2022.

One of the members asked about the section in the Constitution called Powers of Officers and asked for clarification on 10.9 Statutory Responsibilities of the Monitoring Officer and Chief Finance Officer and delegations.

The Interim Monitoring Office said that there were no proposals to have either a Deputy Monitoring Officer or Deputy Chief Finance Officer at this stage.

One of the members raised a query about the Term of Office for Shadow Authority members, which seems a bit confusing, and the Interim Monitoring Officer clarified this.

Councillor Brook said this could be referred to the Constitution Review Group for further clarification.

The recommendations were seconded by Councillor Jarvis, and upon conclusion of the debate, put to a vote. The vote was unanimous.

It was therefore **RESOLVED**, that the Shadow Authority for Westmorland and Furness:

- (1) approve that the seats on Overview and Scrutiny Committee be established as 14, rather than 12 as shown in the original report;
- (2) agree that each group may appoint substitutes to the other committees and that the Chairs/Vice-Chairs of committees be confirmed by full Council and note that a future report on the agenda makes provision for this;
- (3) agree the additional amendments to the Constitution with regards to Dispensations and the responsibilities of the Monitoring Officer as set out in paragraph 3.5 of the addendum report.
- (4) agree the additional amendments to the Constitution with regards to the Employment Procedure Rules Officer as set out in paragraph 3.6 of the addendum report.
- (5) with the additions proposed at (1), (2), (3) and (4) above approve and adopt the proposed Constitution and therefore, amongst other things, create a Leader and Cabinet Executive within the meaning of Part 1A of the Local Government Act 2000;
- (6) should Members have any amendments to the Constitution which they resolve should be made or considered further, that they instruct their Officers to report back to the next meeting of the Shadow Authority, accordingly; and
- (7) Establish a cross-party Constitution Review Group of 8 Members as set out in paragraph 3.7 of the addendum report to contribute towards the review of the Shadow Authority constitution and the preparation of the required post vesting day Westmorland and Furness Council Constitution.

## **8 INTERIM STATUTORY ROLES**

Ms Plum, Ms Fisher and Ms Smith left the room at this point

Councillor J Brook, as Chair of the Joint Committee, informed members that under the Cumbria Structural Changes Order, the Shadow Authority was required to designate at its first meeting, on an interim basis, an officer to be responsible for performing the duties in the following statutory roles:-

- Head of Paid Service;
- Monitoring Officer; and
- Chief Finance Officer

The Westmorland and Furness Joint Committee agreed the process and principles for the appointments in order for recommendations to be made to the Shadow Authority for the interim positions. At the first Joint Committee meeting an interview panel was elected and the results of the interviews were recommended to the Shadow Authority at the final Joint Committee meeting.

The Joint Committee recommendation was that the officers named below be appointed to the Westmorland and Furness Shadow Authority in line with the decision of the Joint Committee :-

- Interim Head of Paid Service – Sam Plum, Chief Executive Barrow Borough Council;
- Interim Monitoring Officer – Linda Fisher, South Lakeland District Council; and
- Interim Chief Finance Officer - Helen Smith, South Lakeland District Council.

Councillor Brook moved the recommendations, which were seconded by Councillor Thomson.

One of the members asked if the three posts would be salaried, and if so, which fund would these be paid from.

Councillor Brook replied to say that none of the Interim posts were salaried.

Members asked what the impact of these posts would be on sovereign councils, and whether any considerations had been given to the work, life, balance of the individuals concerned.

Councillor Brook said the Interim appointees would remain as officers within their sovereign councils and would carry out dual roles. The impact on their work, life, balance would have been considered in line with standard practice.

Members supported the appointments, and hoped that 'backfilling' arrangements would be in place quickly.

These recommendations were then put to a vote, the result of which was unanimous.

**RESOLVED**, that

- (1) Ms S Plum be appointed as the Westmorland and Furness Shadow Authority Interim Head of Paid Service;
- (2) Ms L Fisher be appointed as the Westmorland and Furness Shadow Authority Interim Monitoring Officer, and
- (3) Ms H Smith be appointed as the Westmorland and Furness Shadow Authority Interim Chief Finance Officer.

Ms Plum, Ms Fisher and Ms Smith returned to the room at this point.

## **9 ELECTION OF LEADER**

Councillor Thornton nominated Councillor J Brook and this was seconded by Councillor V Taylor. With no other nominations, it was

**RESOLVED**, that Councillor J Brook be elected as Leader of the Shadow Authority for Westmorland and Furness Council until the first meeting of the Westmorland and Furness Authority following vesting day.

Councillor Brook thanked members for electing him as Leader. He committed himself to do my utmost to help lead in an inclusive and collaborative way, in order that together it would be possible to create a Council that would best meet the needs and aspirations of our residents.

Councillor Brook was looking forward to working with all elected members.

## **10 DEPUTY LEADER AND SHADOW EXECUTIVE**

Councillor Brook provided the Shadow Authority with the names of the Deputy Leader and members of the Shadow Executive.

**RESOLVED**, that members note the appointment by the Leader of the members of the Shadow Executive as follows:

Cllr J Brook	Leader and Cabinet Member for Strategic Partnerships and Economy
Cllr P Bell	Deputy Leader and Cabinet Member for Adults, Health and Social Care

Cllr G Archibald	Cabinet Member for Climate and Biodiversity
Cllr J Derbyshire	Cabinet Member for Housing and Homelessness
Cllr N Hughes	Cabinet Member for Transport
Cllr A Jarvis	Cabinet Member for Finance
Cllr D Jones	Cabinet Member for Customer and Environmental Services
Cllr S Sanderson	Cabinet Member for Children’s Services, Education and Skills
Cllr P Thornton	Cabinet Member for Highways and Assets
Cllr V Taylor	Cabinet Member for Sustainable Communities and Localities

The Chair thanked the Leader for the information.

## 11 **LEADERS AND DEPUTY LEADERS OF THE POLITICAL GROUPS**

Confirmation had been received of the Leaders and Deputy Leaders of the Political Groups on the Shadow Authority.

**RESOLVED**, that members note the Leaders and Deputy Leaders of the Political Groups as follows:

Conservative Group	Leader – Cllr H Carrick Deputy Leader – Cllr M Brereton
Ind/Green Group	Leader – Cllr M Robinson Deputy Leader – Cllr J Filmore
Labour Group	Leader – Cllr A Thomson Deputy Leader – Cllr D Brook
Lib Dem Group	Leader – Cllr J Brook Deputy Leader – Cllr P Bell

## 12 **POLITICAL BALANCE, AND ALLOCATION OF COMMITTEE PLACES**

Members considered an addendum report from the Interim Monitoring Officer, which provided the political balance information and invited the Shadow Authority to agree the allocation of committee places between the political groups.

The Leader presented the report and moved the recommendations contained within the addendum report.

Councillor Bell seconded the recommendations, and this was then put to a vote. The outcome of the vote was unanimous.



**RESOLVED,** that Council

- (1) notes the political balance of the Council, as set out in Appendix 1; and
- (2) notes the creation of a Leader and Cabinet Executive within the meaning of Part 1A of the Local Government Act 2000(s) arrangements with respect to local authority governance ("the shadow executive");
- (3) agrees the allocation of places on committees between the political groups in accordance with the political balance requirements of the Local Government and Housing Act 1989, as set out at paragraph 3.11 and Appendix 2;
- (4) receives nominations of councillors to serve on each committee as circulated to the meeting and agrees to the appointment of Members to the Council's committees as set out in Appendix 3.
- (5) agrees the appointment of Chairs and Vice Chairs as set out in Appendix 3.

### **13 CALENDAR OF MEETINGS - 2022-23**

Councillor J Brook, as Chair of the Westmorland and Furness Joint Committee, presented a report which asked members to adopt a Calendar of Meeting for the Shadow Authority.

The Cumbria Democratic Services Officers had put this together for meetings to be held from May 2022 to April 2023. The proposed dates had been identified as these would not clash with the Committee meetings of the Sovereign Authorities in the Westmorland and Furness locality or meetings of the Cumberland Shadow Authority or Executive.

Councillor Brook moved the recommendations, which aligned with the Joint Committee recommendations but with some changes. He took members through the proposed changes, which were:

- Move the date of the Shadow Authority for Westmorland and Furness Council from 1 August, to a date to be confirmed.
- Add an additional date for a meeting of the Shadow Authority for Westmorland and Furness Council to 5 September 2022
- Move the Senior Appointments Committee from 30 May to 13 June

Members commented that a significant number of the Shadow Authority meetings were scheduled to take place during school holidays.

Councillor Brook noted this and would try to avoid holding meetings during school holidays.

The recommendations were then put to a vote, which was unanimous.

**RESOLVED**, that Council

- (1) agree the Schedule of Meetings for 2022/2023 for the Shadow Authority for Westmorland and Furness, attached as Appendix 1 to the report with the exception of any meeting date for the Shadow Authority on the 1 August which is removed and replaced with a meeting date in July, still to be confirmed;
- (2) agree to add an additional Shadow Authority date of 5 September 2022;
- (3) The Senior Appointment Panel date to be moved to the 13 June 2022 and the date of the 30th May 2022 removed from the calendar;
- (4) agree that, where practicable, the meetings are rotated across the area; and
- (5) members ask that officers to look again at the times of the Shadow Authority meetings.

#### **14 IMPLEMENTATION TEAM**

Members considered a report from the LGR Programme Director and presented by the Chair of the Westmorland and Furness Joint Committee, which informed them about the Implementation Team that had been established to support the Local Government Reorganisation process.

The Westmorland and Furness Joint Committee received a report providing the details of the "Implementation Team", a single team of officers from the seven sovereign Councils. The Implementation Team was made up of all Chief Executives of sovereign Councils, the Chairs of the thematic groups (where these were not Chief Executives), the Programme Finance Lead and Programme Director. The Interim Heads of Paid Service would form part of the Implementation Team alongside the existing membership of Chief Executives, Senior Responsible Officers and thematic group Chairs.

Councillor Brook then moved the recommendation, which was seconded by Councillor Bell.

One of the members asked whether the Implementation Team would support the Shadow Executive in a way in which members would feel engaged and supported or if the Team would present Shadow Members with proposals which felt more like a 'fait accompli' from officers.

Councillor Brook responded to say that it was incumbent on all members to feel engaged in this process, and members should feel able to challenge the Implementation Team if they felt they needed to, and to provide leadership, where appropriate.

This recommendation was then put to a vote, which was unanimous.

**RESOLVED**, that the Westmorland and Furness Shadow Authority notes the implementation Team arrangements that are in place to support the LGR Programme.

## **15 IMPLEMENTATION PLAN**

Councillor J Brook, as Chair of the Westmorland and Furness Joint Committee, presented a report which informed members about the Implementation Plan and programme governance that had been developed by officers from the seven sovereign Councils. This was presented to the Joint Committee and aimed to ensure an effective transition to the new unitary councils on Vesting Day, 1 April 2023.

In July 2021 the Secretary of State announced his decision, subject to Parliamentary approval, to implement a two unitary pattern of Local Government in Cumbria based on an East-West geography. The Cumbria (Structural Changes) Order 2022 (SCO) gave effect to that decision and came into force on 18 March 2022.

At its first meeting, the Westmorland and Furness Joint Committee felt that it was necessary to get an update on the process around the blue prints and sought reassurance of Member involvement in the process and requested that an update be provided at the May meeting. At the May meeting of the Joint Committee, Members received an update from the Programme Director which set out the process for agreeing blue prints, the Joint Committee emphasised the importance of Member involvement in this process.

As part of the Order two separate Joint Committees were established, one for Cumberland and one for Westmorland and Furness, along with an Implementation Team for the purposes of assisting the Joint Committees in the discharge of its functions, and if required also to assist the Shadow Authority

With the dissolution of the Joint Committees, (the day following that on which the Shadow Authorities for each area held its first meeting), the Shadow Authorities then assumed responsibility for keeping the Implementation Plan that had been prepared under review and revised as necessary. The advice was that matters relating to the Implementation Plan were an executive function of the Shadow Authorities, and as a consequence this report was presented for information and noting by Members, with the intention that a further report on the Implementation

Plan be presented to the meeting of the Shadow Executive in June for decision.

The Implementation Plan that had been prepared (at April 2022) described the approach that had been developed to deliver two sustainable Unitary Councils, and a sustainable Fire and Rescue service, in a safe, legal, and seamless fashion, delivering both benefits from day 1 and the foundation for further transformation in the future.

Councillor Brook proposed and moved the recommendations in the report and this was seconded by Councillor Jarvis.

One of the members commented that the work of the Statutory Officers would mean that many officers would be involved in carrying out additional work to try to backfill any gaps. It was important for members to recognise this and support all the officers involved.

Another member said it was important for the new Shadow Authority to make the most of the opportunities presented by the creation of the new unitary authority. He wondered how the opportunities and benefits presented would be communicated.

Councillor Brook said that benefit management would be integral to the management of the LGR process.

The LGR Programme Director said that a new transformation workstream had been established and its work included tracking the benefits, including looking at current performance on performance and longer term outcomes.

A member commented that the Implementation Plan would be integral to the success of LGR, and the Chair of the Joint Committee had reassured members that they would have the opportunity to engage in this, however, the report then referred to the approval of the Implementation Plan being an 'Executive' function. He wondered how members would be involved if the decision was to be taken by the Executive.

Councillor Brook, as Leader of the Council, reassured members they would be fully involved in this process.

One of the members asked the Programme Director in relation to the budget, what the difference was between transformation and transition. The Programme Director outlined the differences.

There was then a discussion about the resources available to the Shadow Authority and how these may be spent.

The Interim Head of Paid Service reminded members that their role over the next 10-12 months was to decide how services would look from vesting

day. As part of the budget setting process members would have the ability to decide the Transformation Budget for Westmorland and Furness Council.

The recommendations were then put to a vote and were unanimously agreed.

**RESOLVED**, that

- (1) That the Implementation Plan attached at Appendix 1 be noted;
- (2) That the programme governance and associated funding for the Implementation Plan be noted.

**16 MEMBERS' ALLOWANCES AND APPOINTMENT OF INDEPENDENT REMUNERATION PANEL**

A dispensation was being given to all Councillors so that they could take part in all meetings on the Members' Allowances, and this would be in place until 31 March 2023.

Councillor J Brook, as Chair of the Westmorland and Furness Joint Committee, presented an updated addendum report, with regards to the adoption of the Members' Allowances Scheme and the appointment of the Independent Remuneration Panel. The addendum report provided a revised set of recommendations proposed by the Joint Committee.

The Members' Allowances Working Group were tasked with convening an LGR Independent Remuneration Panel (IRP) and facilitating the Panel in order to support and assist in their deliberations to propose recommendations for a Scheme of Member Allowances for the two Shadow Authorities, it was agreed that one scheme would be produced for both Cumberland and Westmorland and Furness Joint Committees for separate adoption by their respective Shadow Authorities.

The Westmorland and Furness Joint Committee felt that the timescales were too short time for the IRP to collect the significant amount of data required as well as engagement with Members before bringing the report to the Joint Committee. Therefore, a set of alternative recommendations were proposed, seconded and agreed, with the basic allowance being paid with the scheme being subject to an immediate review by the new IRP. Special Responsibility Allowances would be set to zero pending the review and would be backdated to the beginning of the year once a scheme had been agreed by the Shadow Authority.

Councillor Brook then moved the proposed recommendations as set out in the addendum report, which were seconded by Councillor Thomson.

One of the Councillors, who had attended the first Westmorland and Furness Joint Committee recalled that the Joint Committee had agreed that whatever had been proposed by the IRP would be accepted, but this was not the case, if the recommendations in the addendum report were agreed.

The Interim Monitoring Officer said when that statement was made members had not seen the recommendations from the IRP. When the report was presented at the last meeting of the Joint Committee members felt unable to support the recommendation, hence the addendum report was issued.

Members raised an issue which was not covered by any of the recommendations from the Joint Committee, which was about members that may choose to forgo their allowance and instead donate it to a charity.

The Interim Monitoring Officer said although this was not covered by the recommendations it may be possible to build this into the scheme going forward, and she would discuss this with the Section 151 Officer.

One of the members asked whether it would be possible for members to meet the IRP to talk about allowances.

The Interim Monitoring Officer said it had not been possible to engage with members this time, but she was hopeful this could be arranged going forward.

Following a detailed debate on this, the recommendations were then put to a vote. It was

**RESOLVED**, that

- (1) the report be noted;
- (2) the recommendations of the Independent Remuneration Panel and the Scheme of Member Allowances which it has proposed (Appendix 1) to be adopted for the shadow year with effect from the 9 May 2022 had been considered;
- (3) In the light of the limited time that the Independent Remuneration Panel had to collect evidence for the scheme, the lack of opportunity for member engagement and given the significant disparity with comparator councils, the Joint Committee cannot recommend to the Westmorland and Furness Shadow Authority to adopt, in its entirety, the proposed Scheme at its inaugural meeting for the shadow year;
- (4) the Shadow Authority is recommended to immediately authorise the Interim Monitoring Officer to advertise the recruitment of an Independent Remuneration Panel of 5 members for the Council to

consider a scheme of members' allowances to be adopted by Westmorland and Furness Council; and

- (5) the Shadow Authority as an interim measure, adopts the scheme to pay the basic allowance as proposed, subject to immediate review. Due to the points noted in (3) above, the scheme for payment of all Special Responsibility Allowances are set at zero, pending the immediate review. Allowances will be adjusted and back-dated as soon as the Westmorland and Furness Independent Remuneration Panel (as proposed in 4) has reported and recommendations adopted.

## 17 **URGENT ITEMS**

There were no urgent items for discussion at this meeting.

The meeting ended at 4.25 pm

